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July 7th, 2015 Minutes

Brookings County Planning & Zoning Commission
July 7th, 2015 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Vice chair Rochel called the meeting to order at 8:10 PM. Commission members present were: Lee Ann Pierce, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Laurie Nichols, Terrell Spence and Randy Jensen. Jeff Robbins was absent.

Chair Rochel read **agenda item # 2: Approval of minutes from June 2nd, 2015**. Darrell Nelson moved to approve the minutes. Terrell Spence. Chair Rochel called for a voice vote. 8 -ayes and 0 -nays, motion carried.

Chair Rochel read **agenda item # 3: Items to be added to agenda by commission members or staff**. Mr. Hill requested that Luke Muller, First District Association of Local Governments representative be allowed to address the board at the end of the meeting.

Chair Rochel read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board**. No one scheduled time to address the board.

Chair Rochel read **agenda item # 5: Approval of Agenda**. Chair Rochel stated "Items on the agenda will be moved around a little bit we will be moving item #11: 2015var013 Buffalo Ridge II LLC. We will do #6, #7 then #11." Darrell Kleinjan moved to approve the agenda. Lee Ann Pierce seconded. Chair Rochel called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Rochel the read **agenda item #6 2015cu008: Wesley Pegors has made an application, 2015cu008, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: "LP" Lake Park District: Section 13.01: Conditional Use Permit # 6: Accessory building with a side-wall greater than ten (10) feet or more than 1,000 square feet. The property is described as: "B.C.H.D. Addtn Lot 2 in NW1/4 of Section 27, T112N, R47W (Lake Hendricks Township)"**. Laurie Nichols moved to approve the conditional use request. Kimberly Elenkiwich second. Chair Rochel opened

up for discussion and asked Mr. Haugen for staff report. "Mr. Pegors has applied for a conditional use permit in the Lake Park district #6 for an accessory building with a side-wall greater than 10' or more than 1000 sq. feet. This was originally county property that he purchased a few years back. This meets all set-backs 50' front and 50' rear and 8' on the sides. He applied for a 36'x48' building with 10' side walls that equals 1,728 square feet that he will use for storage. It meets the set-backs in all corners and the rear and access is off 487th Ave." Chair Rochel asked Mr. Pegors to address the board. Mr. Pegors stated, "I live about a block from where this building would be located. Putting the shed up on that lot is more advantageous because of the amount of trees that are on my other lot and the slope of the whole lot is better as well. This was the original reason I wanted to buy this additional lot." Chair Rochel opened up for discussion from the board. The board discussed: actual location versus where he lives. Chair Rochel asked Mr. Haugen if this was just a conditional use or if it needed a variance. Mr. Haugen stated just a conditional use, as it meets all set-backs. Board also discussed the height and Mr. Pegors stated, "The height was needed for pontoon." Mr. Haugen stated, "All neighbors were contacted and Ness's called back and had no objections, and county highway superintendent Dick Birk was also contacted. Mr. Birk stated, "He had no objections." Mr. Haugen also stated that there were no concerns or comments from the Township. Chair Rochel opened up for the discussion from the audience. Seeing none he asked for further discussion from the board. Seeing none chair asked Mr. Haugen to go over findings and facts, with any additions, which are on file. Chair Rochel called for a roll call vote: Pierce-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Elenkiwich-aye, Rochel-aye. Motion passes, 8-aye, 0-nayes.

Chair Rochel stated, "We are now acting as the Board of Adjustment", read the opening statement. Board member Lee Ann Pierce recused herself. Chair Rochel read **agenda item #7. 2015cu007: Bill and Julie Ross have made an application, 2015cu007, to the Brookings County Board of Adjustment for a conditional use. Brookings Joint Jurisdiction Area: Article IV: Agricultural, Residential and Floodplain and Aquifer Districts. Section 405. Agricultural District "A". Section 408: Special Exception # 18: Extended home occupations: and Brookings County Zoning Ordinance: Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 20: Home extended business.** The property is described as: "SW1/4 NW1/4 of Section 12, T110N, R50W of the 5th P.M., in the County of Brookings, State of South Dakota EXCEPTING (1) land conveyed for highway purposes; and (2) the S250 feet of W600 feet thereof." ~~ located at 3712 Medary Ave, Brookings, SD 57006. Mr. Hill added for the record that property is located in Brookings Township. Darrell Kleinjan moved to approve the conditional use request. Terrell Spence second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated "This conditional use location falls in the 3 mile joint area city of Brookings and Brookings County Zoning Ordinance and per the 3 mile joint jurisdiction area it needs to be heard by the board of adjustment. Bill & Julie Ross have applied for a conditional use for extended home business. They currently have 40 acres and raise farmers' market products, host seminars and

different things. They are looking to host Ag tours on their place with seminars on organic farming, and hopefully have an onsite kitchen, they hope to remodel the barn to host weddings, anniversaries, and family reunions and serve meals inside for tours they host. Remodel of the barn to add kitchen, restroom and banquet area as well as a banquet area in the loft." A site plan was also shown and described by Mr. Haugen. Mr. Haugen stated, "Usually a 2 year limit is set on things like this." Chair Rochel asked Mr. and Mrs. Ross to address board. Mr. Ross stated, "We are applying for this conditional use permit for an Agra-tourism business. And would like to have a situation for possible farm stays and would take this into different stages to develop the plan." Mrs. Ross stated. "They think there would be a change in original plans and the pavilion would not be included after discussion with the architect. Seating instead would be next to barn in porch area and in the south by the garden." Chair Rochel opened up for discussion from the board. The board discussed: septic area; number of cars that proposed parking area would hold; if a contingency plan was in place in the event of things such as a medical emergency or fire; who will/does occupy farm home on the property; septic drain field for 175 maximum people; consideration of noise and closeness of neighbors; alcohol concern; also if the city had been made aware of plans. Mrs. Ross stated. "The septic area would be in green area on the lawn." Mr. Ross stated, "They estimated in the area noted they could get in 60 cars, and they could also extend into the farm driving lanes." Mrs. Ross stated, "The barn holds for a banquet type meal 100 on top and 50 on the bottom. With figuring 3 people per vehicle they are set well for 150-175 people." Mr. Ross stated, "A written contingency plan was not put into place at this point but that it could be included." Mrs. Ross stated, "The farm house is currently rented out but could be changed to such things as: B&B, for venue users usage, or rent it out in summertime." Mr. Ross stated, "They would work with excavator for correct drain field size and if needed portable bathrooms would be a back-up plan." Mrs. Ross stated, "They have had 4 events with musicians and have had no issues thus far and they have planted more trees for sound barrier." Mr. Hill stated, "The county commission would deal with the alcohol issue and license if needed. Mr. Hill interjected and stated, "The city was contacted and they are not concerned with this particular conditional use." Kimberly Elenkiwich noted that she was contacted by Brookings Township board member Troy Johnson, with concerns they had. Chair Rochel recognized Mr. Hill. Mr. Hill requested that the board table at this time as the township voiced concerns and the applicant could use some time to talk to the township about the concerns. Chair Rochel agreed and recommended that it be tabled. Kimberly Elenkiwich moved to table. Laurie Nichols second. Chair Rochel called for a voice vote, 7- ayes and 0-nay, motion carried. Lee Ann Pierce returned to the board at this time.

Chair Rochel the read **agenda item #11. 2015var013: Buffalo Ridge II LLC, by Nikki Fishbaugher has made an application, 2015var013, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards.** Darrel Kleinjan moved to approve the variance request. Terrell Spence second. Chair Rochel opened up for discussion and asked

Mr. Haugen for staff report. Mr. Haugen stated, "Buffalo Ridge II is an operations maintenance center that is located in NE portion of the county, they have a warehouse and maintenance building. They are asking for a variance for an addition onto the warehouse building. Initial plans were changed due to waterlines, they have redone plans and have reapplied for a 100' x 100' with 20-22"sidewall height addition. They are asking for 49' variance which would be approximately 101' from center of the road." Chair Rochel asked representative to identify herself and address the board. The representative identified herself as "Nikki Fishbaugher with Iberdrola Renewables. We are asking to add onto the existing warehouse where parts are stored for all of the Midwest, southern and eastern windfarms of the United States. And as the need for wind farms has grown so has the need for parts. Since we own the land we would like to add on the additional square footage to store additional parts. The amended plan allows for the waterlines." Chair Rochel opened up for discussion from the board. The board discussed; concerns related to location of addition and the close proximity to the well-traveled road on the south side, reasons why not looking at adding onto the North or east side, will the area meet future needs and is there a possibility of acquiring more land to the west. Ms. Fishbaugher stated, "They are not able to add on to the north due to the septic and other location indicated was not suitable as they need space for staging area for turbine blades and cranes. I have no idea at this time what the company plans are for expansion." Chair Rochel opened up for discussion from the audience. Mr. Norris Patrick from Oakwood Township Board addressed the board and stated, "The township board has concerns of the set back with regards to safety concerns. The site has a chain-link fence and in the winter frost covering it obstructs views as well as the large equipment parked at times in the area. The township board was unanimous in wishing that the Zoning board would deny the variance." Chair Rochel asked Ms. Fishbaugher if the company has looking into purchasing more land. Ms. Fishbaugher stated, "She would have to ask corporate as she just manages the warehouse." Chair Rochel asked for any concerns from Mr. Birk, County Highway Superintendent. Mr. Birk stated, "With the size of the building, he would be against due to snow, snow storage and a number of things. Chair Rochel asked for further discussion from the audience. Seeing none he then described options with Ms. Fishbaugher regarding either tabling or taking a vote. Lee Ann Pierce moved to table. Darrel Kleinjan seconded. Chair Rochel called for voice vote – 8 aye and 0 nays, motion carried.

Chair Rochel read **agenda item #8: 2015var010: Paul Ness has made an application, 2015var010, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "S155' of E158' of W1580' & S690' of E580' of W1422' in SW1/4 of Section 15, T111N, R50W (Sterling Township)" ~~ located at 46922 205th St, Brookings, SD 57006.** Randy Jensen moved to approve the variance. Darrell Nelson second. Chair Rochel opened up for discussion and asked Mr. Haugen for a staff report. Mr. Haugen state, "Mr. Ness applied for a variance to build at 10'x32' deck on the east side of his house. The deck would be even with

the south side and would extend 4' closer to road for steps. Also toward northwest corner of the house he would like to build on a 12'x12' screened in porch addition. The deck would be approximately 79' (3-4' closer to the road) from the center of the road and the 12'x12' addition would be 101' from center of the road. We have not heard from the township and had one call from adjoining land owner Mr. Tom Vanderwal and he had no objections." Chair Rochel asked Mr. Ness to address the board. Mr. Ness stated. "I am applying for a variance to add a couple decks onto our house. We are on a minimum maintenance road so we don't get much traffic." Chair Rochel opened for discussion from the board. The board discussed exact location of decks and location of septic. Mr. Ness identified the exact location of the decks. Mr. Haugen stated. "The new deck would not come out any farther on the edge of the existing house just the steps. And that the house was built in 1949 before zoning was in effect in 1975, the variance would be 54' for the deck and 32' for the screened in porch area." Mr. Ness stated. "The septic was located under a brick patio." Chair Rochel opened for discussion from the audience. Seeing none he asked for further discussion from the board. Board member further noted Mr. Ness's property ends at a minimum maintenance dead end road, and that the additions themselves will not protrude any farther than the original house. Chair Rochel asked Mr. Haugen to go over the findings of the facts, with any additions, which are on file. Chair Rochel called for a roll call vote: Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Rochel-aye. 8-ayes and 0-nays, motion carried.

Chair Rochel read **agenda #9: 2015var011: Clint Anderson has made an application, 2015var011, to the Brookings County Board of Adjustment for a variance. Article 13.00: Section 13.01: "LP" Lake-Park District: Density, Area and Yard Regulation (Lake Front). The property is described as: "All that portion of Lot 1 lying and being East-Northeast of a line commencing at the center of the Lot on the North side or on the water front line and thence running due South parallel to the West boundary of said Lot 1, and all of Lot 2A in Ward's First Addition Govt. Lot 5 in SE1/4 of Sec. 32, T109N, R50W (Medary Township)" ~~ located at 46778 220th St, Brookings, SD 57006.** Laurie Nichols moved to approve the variance. Terrell Spence second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Anderson has applied for a variance to build an addition onto his house at Lake Campbell. He would like to remove the existing garage that is there now. The current structure is approximately 70' from highest known watermark. He would like to rebuild with a 6'x8' addition onto the house and a 24'x 34' attached garage maintaining the same set back from the lake and even with the existing house. The property has been removed from the flood plain. It exceeds the high watermark by approximately 4' with bottom of basement floor, so structure has been removed by FEMA for the flood plain. It lines up with other structures along the Lake. Lake Campbell Sportmen club representative Bob Brotsky stopped by on June 30, 2015 and they had no objections to the variance. It meets setbacks from road and will meet the side setback of 8' so he is asking for a variance of 5' from the highest known watermark to the edge of the garage. The house was built in 1965 and is located on a blacktopped road a joint controlled road on the

Brookings County line. Chair Rochel asked Mr. Anderson to address the board. Mr. Anderson stated. "We would like to do the addition because the foundation on the north side is starting to deteriorate as it was not put in originally below the frost line. We decided the best way to fix is to remove the structure, put up a new structure, make roof line adjoining on each side and add some additional footage so that I could park a truck inside rather than a car. It would follow the same existing format of the existing house." Chair Rochel asked Mr. Haugen if he had received any objections. Mr. Haugen stated. "No, the only one that we heard from was the Lake Campbell Sportsmen club, the neighbor and those across the road in Moody County were all notified and had no objections. Chair Rochel asked for questions or comments from the board. Chair Rochel recognized Mr. Hill. Mr. Hill stated. "Mr. Anderson would have to re-contact FEMA to get it amended to include the new addition." Chair Rochel opened up for discussion from the audience, seeing none, he asked for further discussion from the board. Board member Lee Ann Pierce asked if the current deck would be removed in regards to the remodel as she was concerned with the decks location and high watermark. Mr. Anderson stated. "The deck will stay and it was put on prior to our purchase of the house." Chair Rochel asked for further questions finding none to asked Mr. Haugen to go over Finding of Facts, which are on file. Chair Rochel called for roll vote. Nelson-aye, Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Elenkiwich-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda #10: 2015var012: Steve Langland has made an application, 2015var012, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "N46 Rods of E12 ½ Rods of E1/2 NE1/4 of Section 20, T111N, R51W (Oakwood Township)" ~ located at 20513 462nd Ave, Bruce, SD 57220.** Darrell Nelson moved to approve the variance. Kimberly Elenkiwich second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated. "Mr. Langland applied for a variance for 16'x20' addition on to his south side of existing residence. His existing residence is approximately 71' from center of 462nd Avenue, meets the side and will meet the rear setback, the house was built in 1950. The adjoining landowner, Randy Olson which owns the land around Mr. Langland's property called on 4:30 on Monday, July 6 and had no objection to the request. We have not heard anything back from the township and both the chairman and the clerk were notified." Chair Rochel asked the representative to identify herself and address the board. Renee Langland identified herself as Steve's wife. She stated. "They just want to build a 4-season addition room onto the south of the house to give them some extra space." Board member asked for clarification of set-back, Mrs. Langland stated. "It would actually be a few feet farther away from the road." Chair Rochel asked if there were further questions from audience or board. Board member asked what type of road 462nd Avenue and if it was low traffic. Mrs. Langland stated. "The road is a gravel road and low traffic, evergreens are also between house and road." Chair Rochel asked for questions from the board. Seeing none he asked Mr. Haugen to go over the findings of the

facts, with any additions, which are on file. Chair Rochel called for a roll call vote: Kleinjan-aye, Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Elenkiwich-aye, Nelson-aye, Rochel- aye. 8-ayes and 0-nays, motion carried.

Chair Rochel stated "We are now acting as the Brookings County Planning and Zoning Commission" and read **agenda item # 12. Consideration of Plats**

a. 2015preplat021: "Plat of Lot 11A in Block 1 of Sunset Point Addition in the SE1/4 of Section 21, T112N, R47W of the 5th P.M., Brookings County, South Dakota." Kimberly Elenkiwich moved to approve the plat. Terrell Spence second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Originally in 2005 it was all platted to lake lots, in 2012 they re-platted those that did not sell back into farmland and made into Tract 3. Now they have now sold Lot 11 so this is what this preliminary plat is now being called Lot 11A of Sunset Point Addition. It meets all set-backs and zoning requirements. Now they are going back and re-platting as they sell them." Chair Rochel opened up for discussion from the audience, seeing none, he called for a roll call vote: Nichols-aye, Spence-aye, Jensen-aye, Pierce-aye, Nelson-aye, Kleinjan-aye, Elenkiwich-aye, Rochel-aye. Motion passes.

b. 2015plat 021: "Plat of Lot 11A in Block 1 of Sunset Point Addition in the SE1/4 of Section 21, T112N, R47W of the 5th P.M., Brookings County, South Dakota." Laurie Nichols moved to approve the plat. Darrel Kleinjan second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "This is the same plat and is just the final approval of Lot 11A." Chair Rochel opened for discussion. Mr. Hill stated, "It does meet the 20,000 minimum square foot requirement." Chair Rochel called for roll call vote: Spence-aye, Jensen-aye, Pierce-aye, Elenkiwich-aye, Nelson-aye, Kleinjan-aye, Nichols-aye, Rochel- aye. Motion passes.

Chair Rochel read **agenda item # 13: Department Reports.** Chair Rochel asked Mr. Luke Muller to address the board and go over Land Use Planning Policy documents. Mr. Muller briefly when over the policy that he had previously handed out and stated, "This part goes in to general policies with regards to commercial development, general residential policies and general, general policies. And the area of development stability which will be called rural development involves 80-90% of the county." He also stated that he wanted the board to look over as closely as you have time for over the next month and give him comments directly or through the office. Chair Rochel then asked Mr. Hill for comments. Mr. Hill stated, "Mr. Norris Patrick wanted to thank you for moving the conditional use permit up to the beginning. And, I also want to introduce Ms. Rae Lynn Maher who is the new office manager." Mr. Haugen added that he had mileage claims for the board members to fill out.

Chair Rochel adjourned the meeting at 10:20 PM.

Rae Lynn Maher
Brookings County
Development Department.